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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,294	02/24/2004	Fu-Hsien Hsu	MR3375-20	2277
4586	7590	06/28/2005	EXAMINER	
ROSENBERG, KLEIN & LEE			TON, ANABEL	
3458 ELLICOTT CENTER DRIVE-SUITE 101			ART UNIT	
ELLICOTT CITY, MD 21043			PAPER NUMBER	
			2875	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

Office Action Summary	Application No.	Applicant(s)	
	10/784,294	HSU, FU-HSIEN	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn (3,263,353) and further in view of Hwang (5,184,253).

3. The recitation "a night lamp" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. Quinn discloses the claimed invention except for the recitation of a lamp shade arranged adjacent to the light bulb and formed with a plurality of holes; and of an optical fiber assembly supported between the lamp shade and the light bulb, comprising a plate which is formed with a plurality of holes and a plurality of optical fibers, each of the optical fibers having a first end mounted to a hole of the plate and a second end mounted to a hole of the lamp shade; wherein the light projected from the light bulb projects a varicolored light through the rotating lamp shade and then the varicolored

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light is guided to the lamp shade through the optical fibers. Quinn discloses a light bulb for projecting a light and generating an uplift air stream by heating air surrounding the light bulb; a lamp shield (20), which is made of light transmitting material (22,26) and rotatably supported on the light bulb, the lamp shield comprising a plurality of blades (28,28b) with gaps defined there between and a plurality of strips formed of light transmitting material and of different colors (with regards to the different colors, the insert may be comprised with a design, ornamentation or pictorial scene or photograph, which inherently would have to vary in color for an image to be illuminated and/or projected) extending downward from the lamp shield, the lamp shield being driven by the uplift air stream (26, 38) flowing through the gaps to rotate (col. lines 10-23);

- Hwang discloses a lamp display using a rotating color filter which projects a colored light onto a first end of a fiber optic bundle which projects a selected colored light through the fiber optic bundle to a fiber optic set ornamentally displayed in a holder/display board through a plurality of holes in the display board.
- It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Quinn's light with a rotating colored lamp shield and Hwang's light system having a colored light emitted from the light source and colored filter to produce a selectively colored fiber optic display, to provide a miniature, portable light source that would not require an additional means (such as a motor) to move the colored lamp shield to provide the fiber optic light display with a rotating colored filter.

- The lamp shield further comprises a central collar from which the blades extend. (30, Quinn);
- The night lamp further comprises a coil for removably arranging on the top of the light bulb, an upper end of the coil being bent upward to provide a tip at a top end of the light bulb for supporting the lamp shield (18, 18a, 18b, Quinn);
- The strips are made of heat resistant material (inherently the strips are made of a material even slightly heat resistant since they are not disclosed as being flammable).

Allowable Subject Matter

5. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the lamp shade further comprises a lateral rod at a lower part of the lamp shade, a clip for fastening to the plug, and a supporting rod for supporting the plate of the optical fiber assembly, the clip is U-shaped form and arranged at a middle section of the lateral rod with two forks extending rearward for securing to the neck of the plug.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800